



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/585,453

10/05/2007

Masami Adachi

Q95904

2989

23373 7590 05/27/2010
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

NGUYEN, PHONG H

ART UNIT

PAPER NUMBER

3724

NOTIFICATION DATE

DELIVERY MODE

05/27/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM

Office Action Summary	Application No. 10/585,453	Applicant(s) ADACHI ET AL.	
	Examiner PHONG H. NGUYEN	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2009 and 01 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 4, 7 and 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6, 9 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 October 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3724

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 1-3, 5, 6, 9 and 10 in the reply filed on 03/01/2010 is acknowledged.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 5, 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeshita et al. (4,516,451), hereinafter Takeshita, in view of Kubala (6,230,603).

Regarding claims 1 and 10, Takeshita teaches a cutting device comprising:

a blade 60;

a power supply for heating the blade 60 (Fig. 6); and

a drive part (42, 52, 53) for moving the blade in a thickness direction of a workpiece.

See Figs. 2 and 6.

Takeshita does not teach running an electric current through the blade to cause the blade to heat.

Art Unit: 3724

Kubala teaches heating a cutting blade 10 by running an electric current through the blade for more efficient and better quality cutting. See Fig. 2.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to run an electric current through the blade in Takeshita for more efficient and better quality cutting.

Regarding claim 5, a cutting condition changing part is best seen in Figs. 2 and 8 in Takeshita.

Regarding claim 6, the blade 60 is longer than the width of the workpiece.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takeshita et al. (4,516,451), hereinafter Takeshita, in view of Kubala (6,230,603) as applied to claim 1 above, and further in view of Frenkel et al. (5,429,163), hereinafter Frenkel.

Takeshita teaches the invention substantially as claimed except for a non-contact thermometer and a controller for controlling the electric current passing through the blade on the basis of a temperature detection signal from the non-contact thermometer.

Frenkel teaches a non-contact thermometer (6, 23) and a controller (12, 22A, 22B) for controlling an electric current passing through a blade on the basis of a temperature detection signal from the non-contact thermometer. See Fig. 6 and 7.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide a non-contact thermometer and a controller as taught by Frenkel to the cutting device of Takeshita so that one can automatically control the temperature of the cutting blade.

Art Unit: 3724

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takeshita et al. (4,516,451), hereinafter Takeshita, in view of Kubala (6,230,603) as applied to claim 1 above, and further in view of Oldeman (4,922,774).

Takeshita teaches the invention substantially as claimed except for the blade being coated with a low friction material.

Oldeman teaches coating a cutting blade with a low friction material of making smooth cuts. See col. 4, 62 - col.5, line 13.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to coat the cutting blade of Takeshita a low friction material of making smooth cuts as taught by Oldeman.

6. Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeshita et al. (4,516,451), hereinafter Takeshita, in view of Kubala (6,230,603) as applied to claim 1 above, and further in view of JP11-179702.

Takeshita teaches the invention substantially as claimed except for the blade being coated with a low friction material.

JP11-179,703 teaches coating a cutting blade with a low friction material such as fluororesin for making smooth cuts. See the Abstract.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to coat the cutting blade of Takeshita a layer of fluororesin for making smooth cuts.

Response to Arguments

Art Unit: 3724

7. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHONG H. NGUYEN whose telephone number is (571)272-4510. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Phong H Nguyen/
Examiner, Art Unit 3724
May 22, 2010